

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ZIPWALL, LLC,

Plaintiff

v.

KWIKPOLE, INC.,

Defendant.

Civil Action No.: 03-11658REK

CONSENT JUDGMENT

THIS MATTER comes before the Court upon a stipulation of the parties, requesting that a final decree, as to the matters set forth below, be entered as follows.

THIS COURT ADJUDGES AND DECREES AS FOLLOWS:

1. This action arises under the patent laws of the United States, Title 35 of the United States Code.
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1338(a).
3. Venue in this Court is proper.
4. Plaintiff ("ZipWall") is the owner of United States Patent No. 6,209,615 (the "'615 patent") issued on April 29, 1999, and has the right to sue on the '615 patent.
5. The '615 patent is valid and enforceable.
6. Defendant has infringed the '615 patent by using, offering for sale and selling its KWIKPOLE product (the "Goods") within the United States.

FURTHER PROVISIONS:

7. Defendant is permanently enjoined from further infringement of the '615 patent, including importing, making, using, selling, or offering for sale the Goods in or into the United States, without ZipWall's prior written authorization.

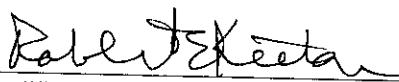
8. The parties and their officers, agents, servants, employees and attorneys, and all those in active concert or participation with any of them who receive actual notice of this Decree by personal service or otherwise, as well as all successors and assigns of the parties, are bound thereby.

9. Violation of the within Consent Judgment is enforceable under the applicable contempt power of this Court.

10. This Court shall retain jurisdiction over the subject matter and parties to construe, enforce and implement this Consent Judgment, upon application of either party. All notices in connection with this Consent Judgment shall be deemed sufficient to each party when served by certified mail, return receipt requested, by overnight courier, or by facsimile, at the addresses indicated below or at such other place as a party may indicate in writing to the other party.

11. The parties waive their right to an appeal or otherwise contest this Consent Judgment.

IT IS SO ORDERED AND DECREED THIS 18th day of March, 2004.



Senior United States District Judge

CONSENTED TO:

ZIPWALL, LLC

by:

 12/20/03

Matthew B. Lowrie, BBO No. 563,414

Aaron W. Moore, BBO No. 638,076

Lowrie, Lando & Anastasi, LLP

Riverfront Office Park

One Main Street - 11th Floor

Cambridge, MA 02142

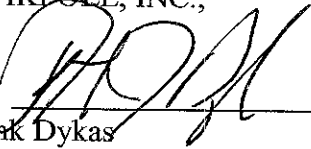
Tel : 617-395-7000

Fax: 617-395-7070

and

KWIKPOLE, INC.,

By:



Frank Dykas

Dykas, Shaver & Nipper

[FILL IN ADDRESS]

Attorneys for Defendant

Dated: December 20th, 2003

Dykas, Shaver & Nipper, LLP

P.O. Box 877

Boise, Idaho 83701-0877

(208) 345-1122

(208) 345-8370 Fax